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PLAINTIFF PIXFUSION LLC

DEC 17 2007

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PixFusion LLC, :

Plaintiff : :

v. : Civil Action No. 07-9732

OfficeMax, Incorporated and : **DISMISSAL**
Toy An Advertising Agency LLC :

Defendant. :

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, Plaintiff PixFusion LLC, by their attorneys, Day Pitney LLP, voluntarily dismisses with prejudice the current action against Defendants OfficeMax Incorporated and Toy An Advertising Agency LLC, but only with respect to claims released in a License Agreement entered into on November 14, 2007, between PixFusion LLC and OfficeMax, Incorporated with respect to Licensed Products and Services as defined in the License Agreement.

Plaintiff PixFusion has not yet served on the Defendants the complaints and summons. Thus, Plaintiff PixFusion is filing this dismissal prior to the Defendants serving an answer to the complaint and serving a motion for summary judgment.

*The Clerk of the Court is directed to mark
this case closed.
SO ORDERED:*

William H. Pauley

WILLIAM H. PAULEY III U.S.D.J.

DATED: November 20, 2007

Day Pitney LLP
Attorneys for Plaintiff
PixFusion LLC

By:



Marc A. Lieberstein (ML 7116)
John L. Dauer, Jr. (JD 1763)